5202

SUPREME COURT OF THE UNITED STATES.

No. 173.

EMMA B. C. THOMPSON AND WILLIAM G. W. WHITE, PLAINTIFFS IN ERROR,

vs.

RICHARD ROE, EX DEM. JANE CARROLL AND AL.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA.

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Writ of Error.

THE UNITED STATES OF AMERICA.

The President of the United States to the Judges of the Circuit Court of the District of Columbia, sitting for the county of Washington, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea, which is in the said court before you or some of you, between Richard Roe on the demise of Jane Carroll, Maria C. Fitzhugh, Anne C. Carroll, Sarah Nicholson, Rebecca Carroll, Henry May Brent, Daniel H. Fitzhugh, and Catherine D. his wife, devisees of Daniel Carroll of Dudington, deceased, plaintiffs, and Emma B. C. Thompson and William G. W. White, defendants, a manifest error hath happened, to the great damage of the said defendants, as by their complaint appears: We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that under your hand, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the first Monday of December next, in the said Supreme Court to be then and there held, and that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, which of right and according to the laws and customs of the United States should be done.

Witness the Hon. Roger B. Taney, Chief Justice of said Supreme Court.

Issued this 9th day of June, 1857.

JNO. A. SMITH, *Clerk.*

Filed 9th June, 1857.

Citation.

DISTRICT OF COLUMBIA.

The United States of America to Richard Roe, on the demise of Daniel Carroll's heirs, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the District of Columbia, for the county of Washington, wherein Emma B. C. Thompson and William G. W. White are plaintiffs in error, and Jane Carroll, Maria C. Fitzhugh, Ann C. Carroll, Sarah Nichol-

son, Rebecca Carroll, Henry May Brent, Daniel H. Fitzhugh, and Catherine D. his wife, devisees of Daniel Carroll of Dudington, deceased, are defendants in error, to show cause, if any there be, why judgment rendered against the said plaintiffs in error, in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in this behalf.

Copy of Appeal Bond.

Know all men by these presents, that we, James R. Smith, William G. W. White and Peter F. Bacon, are held and firmly bound unto Jane Carroll, Maria C. Fitzhugh, Ann C. Carroll, Sarah Nicholson, Rebecca Carroll, Henry May Brent, Daniel H. Fitzhugh, and Catherine D. his wife, in the full and just sum of two hundred dollars, lawful money, to which payment well and truly to be made and done, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the fourth day of June, eighteen hundred and fifty-seven. Whereas, lately, at a circuit court of the District of Columbia, sitting for Washington county, in a suit pending in the said court, wherein Richard Roe, lessee of Jane Carroll and others, devisees of Daniel Carroll of Dud'n, was plaintiff, and Emma B. C. Thompson and William G. W. White were defendants, judgment was rendered against the said defendants, and they having obtained a writ of error, and filed a copy thereof in the clerk's office of the said circuit court to reverse the judgment in the aforesaid suit, and a citation directed to the said Richard Roe, lessee, as aforesaid, citing and admonishing him to be and appear at a Supreme Court of the United States, to be held at the city of Washington, on the first Monday of December next:

Now the condition of the above obligation is such, that if the said James R. Smith shall prosecute his said writ with effect, and answer all damages and costs if he fails to make his plea good, then the above obligation to be null and void; otherwise to be and remain in full force and virtue in law.

JAS. R. SMITH, [SEAL.]
WM. G. W. WHITE, [SEAL.]
PETER F. BACON. [SEAL.]

Signed, sealed and delivered in the presence of—
THOMAS J. WHITE for Jas. P. Smith.
G. B. STELLE for Bacon & Smith.

Approved, June 9th, 1857.

WM. M. MERRICK, *A. J.*

Test: A true copy. JNO. A. SMITH, *Cl'k.*

Style of Court.

DISTRICT OF COLUMBIA, *to wit.*

At a circuit court of the District of Columbia, begun and held in and for the county of Washington, at the city of Washington, on the fourth Monday of March, being the twenty-third day of the same month, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-first.

Present, the Hon. James Dunlop, Chief Judge; James S. Morsell, William M. Merrick, assistant judges; Jonah D. Hoover, esquire, marshal; Jno. A. Smith, clerk.

In the record of the proceedings of the said court, amongst others, are the following, to wit:

Parties.

RICHARD ROE on demise of JANE CARROLL and others
versus
EMMA B. C. THOMPSON and WILLIAM G. W. WHITE.

Be it remembered that heretofore, to wit, on the twenty-second day of September, 1855, Richard Roe, lessee of Jane Carroll and others, by William Redin, esq., his attorney, declared in the said circuit court here against John Doe, in a plea of trespass and ejectment, with a notice thereto annexed, in manner and form following, to wit:

Nar.

DISTRICT OF COLUMBIA,
Washington County, to wit.

John Doe, late of the county of Washington, in the District of Columbia, was attached to answer unto Richard Roe in a plea, wherefore, with force and arms, &c., at the county aforesaid, he the said John entered into a piece or parcel of ground situate and lying in the county aforesaid, and being lot number twenty-six, in square number four hundred and sixty-two, in the city of Washington, according to the subdivision of the said square, as recorded in the office of the surveyor of said city, with the messuage or dwelling-house thereon, with the appurtenances, which Jane Carroll, Maria C. Fitzhugh, Anne C. Carroll, Sarah Nicholson, Rebecca Carroll, Henry May Brent, and Daniel H. Fitzhugh, and Catherine D. his wife, to the said Richard demised for a term of years which is not yet expired, and him, the said Richard, from the said premises ejected; and also, wherefore, with force and arms, &c., at the county aforesaid, he, the said John, entered into a certain other piece or parcel of ground, situate and lying in the county aforesaid, and being one undivided sixth part of the aforesaid lot

and premises, with the appurtenances, which Jane Carroll to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the said premises last mentioned ejected; and also, wherefore, with force and arms, &c., at the county aforesaid, he, the said John, entered into a certain other piece or parcel of ground, situate and lying in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and premises, with the appurtenances, which Maria C. Fitzhugh to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the said premises last mentioned ejected; and also, wherefore, with force and arms, &c., at the county aforesaid, he, the said John, entered into a certain other piece or parcel of ground, situate and lying in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and premises, with the appurtenances, which Anne C. Carroll to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the said premises last mentioned ejected; and also, wherefore, with force and arms, &c., at the county aforesaid, he, the said John, entered into a certain other piece or parcel of ground situate and lying in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and premises, with the appurtenances, which Sarah Nicholson to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the said premises last mentioned ejected; and also, wherefore, with force and arms, &c., at the county aforesaid, he, the said John, entered into a certain other piece or parcel of ground, situate and lying in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and premises, with the appurtenances, which Rebecca Carroll to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the premises last mentioned ejected; and also, wherefore, with force and arms, &c., at the county aforesaid, he, the said John, entered into a certain other piece or parcel of ground, situate and lying in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and premises, with the appurtenances, which Henry May Brent and Daniel H. Fitzhugh, and Catherine D. his wife, to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the premises last mentioned ejected; and also, wherefore, with force and arms, &c., at the county aforesaid, he, the said John, entered into a certain other piece or parcel of ground, situate and lying in the county aforesaid, and being one undivided moiety of one other undivided sixth part of the aforesaid lot and premises, with the appurtenances, which Henry May Brent to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the premises last mentioned ejected; and also, wherefore, with force and arms, &c., at the county afore-

said, he, the said John, entered into a certain other piece or parcel of ground, situate and lying in the county aforesaid, and being one other undivided moiety of one other undivided sixth part of the aforesaid lot and premises, with the appurtenances, which Daniel H. Fitzhugh, and Catherine D. his wife, to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the premises last mentioned ejected; and also, wherefore, with force and arms, &c, at the county aforesaid, he, the said John, entered into a certain other piece or parcel of ground, situate and lying in the county aforesaid, and being the aforesaid lot and premises, with the appurtenances, which Jane Carroll and Maria C. Fitzhugh to the said Richard demised for a term of years, which is not yet expired, and him, the said Richard, from the premises last mentioned ejected; and other wrongs to the said Richard then and there did, to the great damage of said Richard, and against the peace and government of the United States, &c.

And whereupon, the said Richard, by William Redin, his attorney, complains that the said Jane Carroll, Maria C. Fitzhugh, Anne C. Carroll, Sarah Nicholson, Rebecca Carroll, Henry May Brent, and Daniel H. Fitzhugh, and Catherine D. his wife, at the county aforesaid, on the nineteenth day of Sept., in the year one thousand eight hundred and fifty-five, had demised unto the said Richard all that piece or parcel of ground, situate and lying in the county aforesaid, and being lot number twenty-six, in square number four hundred and sixty-two, in the city of Washington, according to the subdivision of the said square, recorded in the office of the surveyor of the said city, with the messuage or dwelling-house thereon, with the appurtenances; to have and to hold the said premises, with the appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month of Sept., for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said John Carroll, on the nineteenth day of September, in the year aforesaid, at the county aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being one undivided sixth part of the aforesaid lot and premises, with the appurtenances; to have and to hold the said premises last mentioned, with the appurtenances, to him the said Richard and his assigns, from the eighteenth day of the same month, Sept., for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said Maria C. Fitzhugh, on the nineteenth day of the same month of Sept., in the year aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and pre-

mises, with the appurtenances; to have and to hold the said premises last mentioned, with the appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month of Sept'r, for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said Anne C. Carroll, on the nineteenth day of the same month of Sept'r, in the year aforesaid, at the county aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being one other undivided sixth part of the aforesaid land and premises, with the appurtenances; to have and to hold the said premises last mentioned, with the appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month Sept., for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said Sarah Nicholson, on the nineteenth day of the same month, Sept'r, in the year aforesaid, at the county aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and premises, with the appurtenances; to have and to hold the said premises last mentioned, with the appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month, Sept'r, for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said Rebecca Carroll, on the nineteenth day of the same month of Sept'r, in the year aforesaid, at the county aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and premises, with the appurtenances; to have and to hold the said premises last mentioned, with the appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month of Sept'r, for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said Henry May Brent and Daniel H. Fitzhugh, and Catherine D. his wife, on the nineteenth day of the same month, Sept'r, in the year aforesaid, at the county aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being one other undivided sixth part of the aforesaid lot and premises, with the appurtenances; to have and to hold the said premises last mentioned, with the appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month of Sept'r, for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said Henry May Brent, on the nineteenth day of the same month

of Sept. in the year aforesaid, at the county aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being one undivided moiety of one other undivided sixth part, or one undivided twelfth part of the whole of the aforesaid lot and premises, with the appurtenances; to have and to hold the said premises last mentioned, with the appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month of Sept'r, for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said Daniel H. Fitzhugh, and Catherine D. his wife, on the nineteenth day of the same month of Sept'r, in the year aforesaid, at the county aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being one other undivided moiety of one other undivided sixth part, or one other undivided twelfth part of the whole of the aforesaid lot and premises, with the appurtenances; to have and to hold the said premises last mentioned, with appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month of Sept'r, for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. And also, that the said Jane Carroll and Maria C. Fitzhugh, on the nineteenth day of the same month of Sept'r, in the year aforesaid, at the county aforesaid, had demised unto the said Richard all that other piece or parcel of ground, situate and being in the county aforesaid, and being the aforesaid lot number twenty-six, in said square and premises, with the appurtenances; to have and to hold the said premises last mentioned, with the appurtenances, to him, the said Richard, and his assigns, from the eighteenth day of the same month of December, for and during, and unto the full end and term of fifty years from thence next ensuing, and fully to be complete and ended. By virtue of which said several demises, the said Richard entered into the premises aforesaid, with the appurtenances thereunto belonging, and was possessed thereof. And the said Richard being so possessed thereof, the said John Doe afterwards, to wit, on the twentieth day of Sept'r, in the year aforesaid, with force and arms, at the county aforesaid, entered into the said premises, with the appurtenances, so demised to the said Richard, in manner aforesaid, for the terms aforesaid, and which are not yet expired, and him, the said Richard, from the said premises ejected, and other wrongs to him then and there did, to the great damage of the said Richard, and against the peace and government of the United States, &c., whereby the said Richard saith he is injured, and hath damage to the value fifty dollars, and therefore he brings suit, &c.

W. REDIN,
Attorney for Plaintiff.

Emma B. C. Thompson and William G. W. White, tenants in possession:

I am informed that you are in possession of, or claim title to, the premises in this declaration of ejectment mentioned, or to some part thereof, and I being sued in this action as a casual ejector, and having no claim or title to the said premises, do advise you to appear in the circuit court for the county of Washington, in the District of Columbia, on the third Monday of *Monday* next, by some attorney of the said court, and then and there, by rule of the same, to cause yourself to be made defendant in my stead, otherwise I shall suffer judgment to be entered against me, and you will be turned out of possession.

Yours, &c.,

JOHN DOE.

And now, here, at this day, that is to say, the third Monday of October in the year of our Lord one thousand eight hundred and fifty-five, comes into the circuit court here the said lessees, by their attorney aforesaid, and the marshal of the District of Columbia, to whom a copy of the declaration and notice aforesaid was in form aforesaid sent, now certifies to the court here that he served the same by tacking up a copy on the premises.

Whereupon the said lessees, by their attorney aforesaid, pray that the said John Doe, the defendant, the said Emma B. C. Thompson and William G. W. White, the tenants in possession of the premises aforesaid, or those under whom they claim, to their declaration aforesaid may appear; thereupon Emma B. C. Thompson and William G. W. White, the tenants in possession, come here into court, by James M. Carlisle, esq., their attorney; whereupon it is ruled by the court here, with the consent of the said Richard Roe, lessee as aforesaid, by his attorney aforesaid, and the said Emma B. C. Thompson and William G. W. White (who claim the title in question,) by their attorney aforesaid, that the said Emma B. C. Thompson and William G. W. White be admitted defendants in the place of John Doe, the casual ejector; and at the trial thereon to be had, the Emma B. C. Thompson and William G. W. White shall appear in their proper person, or by their attorney aforesaid, and confess lease, entry, and actual ouster and expulsion of so much of the lands in the declaration of the said Richard Roe, lessee as aforesaid, as is in the possession of the said Emma B. C. Thompson and William G. W. White, or their tenants, or of any other person claiming by or under their title, or, in default thereof, that judgment be entered against the now defendant, John Doe, the casual ejector; but that prosecution be staid against him until he makes default in any of the premises. And it is further ruled by the court here, with consent of counsel, that if, by reason of such default, the said Richard Roe, lessee as afore-

said, shall become non-suit at the trial, the said Emma B. C. Thompson and William G. W. White shall take no advantage thereof, but shall pay to the said Richard Roe, lessee as aforesaid, his costs, &c.

And it is further ruled by the court here, that if, upon the trial of the said issue, a verdict shall be given for the said Emma B. C. Thompson and William G. W. White, or if the said Richard Roe, lessee as aforesaid, shall not prosecute his declaration upon any other cause than for the not confessing lease, entry, and ouster, as aforesaid, then the said Jane Carroll and others, lessors of the aforesaid Richard Roe, shall pay costs, &c.

Rule Plea.

Whereupon the said plaintiffs, lessees as aforesaid, by their attorney aforesaid, pray that the said defendants to their declaration aforesaid may answer; and the said defendants, by their attorney aforesaid, defend the force and injury, when, &c., and pray leave of the court here to imparle until the fourth Monday of March next, and then to ascertain their defence, and answer to the declaration aforesaid of the said plaintiffs, lessees as aforesaid, in the plea aforesaid, and they have it; the same day is given to the aforesaid plaintiffs also.

At which said fourth Monday of March, in the year of our Lord one thousand eight hundred and fifty-six, to which said day the said defendants had leave to imparle, and then to ascertain their defence, and answer to the declaration of the said plaintiffs, lessees as aforesaid, in the plea aforesaid, come again into the circuit court here, as well the said plaintiffs, lessees as aforesaid, by their attorney aforesaid, as the said defendants, by their attorney aforesaid; and the said defendants, by their attorney aforesaid, as before, defend the force and injury, when, &c., and say, that they are not guilty of the trespass and ejectment aforesaid, in manner and form as the said plaintiffs, lessees as aforesaid, have above complained against them; and of this they put themselves upon the country, &c., and the said plaintiffs, lessees as aforesaid, in like manner, &c., and the said Richard Roe, lessee as aforesaid, in like manner and so forth; therefore let a jury thereon appear before the court here, on the third Monday of October next, by whom and so forth, and who neither and so forth, to recognise and so forth, because as well and so forth, the same day is given to the said parties then and there, and so forth.

Not guilty.

Issue joined. Venire facias to October term, 1856.

At which said third Monday of October, in the year of our Lord one thousand eight hundred and fifty-six, comes again into the said circuit court here, as well the said Richard Roe, lessee as aforesaid, by his attorney aforesaid, as the said Emma B. C. Thomp-

son and William G. W. White, the tenants in possession, by their attorney aforesaid; thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is continued until the fourth Monday of March next.

March Term, 1857.

And now, on this day, to wit, the said fourth Monday of March, in the year of our Lord one thousand eight hundred and fifty-seven, comes again into the said circuit court here, as well the said Richard Roe, lessee as aforesaid, by his attorney aforesaid, as the said defendants by their attorney aforesaid; wherefore, for trying the issue aforesaid between said parties, let twelve persons from the panel of peti jurors returned to the circuit court here by the marshal of the District of Columbia be called; who being called, come, to wit:

Jury.

1. Wm. Sanderson; 2. Edward Rounse; 3. Edw'd H. Edelin; 4. James Fullalove; 5. Robt. H. Watkins; 6. John Ball; 7. Samuel Grubb; 8. Thos. A. Tolson; 9. Benj'n F. Clark; 10. Sam'l Hanson; 11. Sam'l McKnight; 12. Sam'l N. Clement.

Verdict for Plff's.

And who being duly empanelled, sworn and charged to say the truth in the premises, upon their oath, do say, that the said defendants are guilty of the trespass and ejectment aforesaid, in manner and form as the said Richard Roe, lessee as aforesaid, within complains against them; and they assess the damages of the said Richard Roe, lessee as aforesaid, by occasion of the trespass and ejectment aforesaid, to the sum of one cent, current money; therefore, it is considered by the court here, that the said Richard Roe, lessee of the said Jane Carroll and others, recover against the said defendants his term aforesaid yet to come, of and in the said lot number twenty-six in said subdivision of the said square, numbered four hundred and sixty-two, in the city of Washington aforesaid, and the said one cent, current money, by the jury in form aforesaid assessed, for his damages which he has sustained by occasion of the trespass and ejectment aforesaid, and also the sum of thirty dollars and ninety-four cents, by the court here adjudged unto the said Richard Roe, lessee as aforesaid, for his costs and charges, by him about his suit in this behalf laid out and expended; and the said defendant in mercy, and so forth.

Judgment.

Test: JNO. A. SMITH, *Cl'k.*

"Memorandum."

Before the jurors aforesaid retired from the bar of the court

here, the said defendant, by his attorney aforesaid, filed in court here the following bills of exceptions, to wit:

Pl'ff's Statement of Evidence.

CARROLL'S HEIRS
vs.
WHITE AND OTHERS.

On the trial of the above cause, the pl'ff, to support the issue on his part, joined, produced, and read in evidence to the jury, without objection, the original allotment between the city commissioners and the late Dan'l Carroll, of Dudd'n, (who is admitted to have been one of the original proprietors of lands within the limits of the city of Washington,) of s'd square No. 462, dated the 5th day of Nov'r, 1796, in the words and figures following, A, [copied in page 47.] And then produced and read in evidence, without objection, the following deed from the s'd commissioners to s'd D. Carroll, dated 16th April, 1801, for s'd lots Nos. 1, 2 and 3, in s'd sq. No. 462, B, [copied in page 50.] And then produced and read in evidence, also with't objection, the following subdivision of s'd square, made by s'd D. Carroll, on the 14th June, 1828, C, [copied in page 55.] And then produced the original will of s'd Dan'l Carroll, (who died in 1849,) from the files of the orphans' court of this county, (admitted to be duly signed, sealed, published and delivered by him,) dated the 29th Dec'r, 1848, and read the same in evidence to the jury, in the words and figures following, D, [copied in page 58.] And it being admitted by the defend't, that s'd Cath'r D., daughter of E. M. Brent, deceased, one of the children of s'd Dan'l Carroll, had intermarried with Dan'l H. Fitzhugh; that the lessors of the pl'ff (except s'd Dan'l H.) were the daughters and grandchildren and devisees named in said will of s'd Dan'l Carroll; and that A. A. Nicholson, the husband of said Sarah Nicholson, one of the said devisees, had died since the suit was brought, the pl'ff rested.

And thereupon the defend't, to maintain the issue on his part joined, offered and read in evidence from the tax books of the city of Washington, for the years 1832, 1833 and 1834, certain entries as follows, E, [copied in page 64, being the corporation assessment for the year 1834, in said Dan'l Carroll's name, those for 1832 and 1833 being agreed to be the same;] and further gave evidence tending to show that the taxes imposed on said lot No. 26, for the said years, were $\frac{75}{100}$ of one per cent., and that the taxes so assessed on said lot, and the said other lots and squares, and other taxable property, (except paving and curb taxes,) of said Dan'l Carroll, amounted in the whole to the sum of $\$5{,}940\frac{61}{100}$, and were due and unpaid on Saturday, the 26th September, 1835; and on the said 26th Sept'r, 1835, the s'd corporation caused the said lot and other property to be advertised for sale, as follows, F, [copied in page

84,] which said advertisement was inserted in the National Intelligencer, a newspaper printed and published in said city, on Saturday, the s'd 26th Sept., and on Friday, the 2d, 9th, 16th, 23d, and 30th Oct'r, 1835; on Friday, the 6th and 13th Nov'r, 1835; on Saturday, the 21st and 28th of said Nov'r; and on Saturday, the 5th, 12th, and 19th Dec'r, 1835; that on this last day, the s'd lot and other property so advertised for sale were sold. And he further offered and read in evidence from the sales book of tax sales of the said city of Washington, and from the original return of Geo'e Adams, the collector of taxes, the following return of sales, G, [copied in page 91.] And that the expenses of advertising and of the s'd sale amounted to $\$209\frac{62}{100}$. And further offered and read in evidence the deed from said corporation, as follows, H, [copied in page 95,] and rested.

And thereupon the pl'ff, further to maintain the issue on his part joined, offered and gave evidence tending to show that in the years 1832, 1833, 1834, and 1835, the said lot in question was unimproved; that said Dan'l Carroll, at the time of said tax sale, resided within the limits of the corporation of Washington, on square No. 736 in said city, and had so resided for many years before; that at the time of said sale, and from the year 1832, and before, to the time of said sale, he owned and had in his possession at his said residence within the limits of said city, personal property, consisting of furniture, horses, carriages, and negro slaves, of the value of from $5,000 to $6,000, and in the s'd year 1832 stood assessed on the books of the corporation with "personal property," of the value of $1,500, as follows:

	Square.	Value.	Improv'ts.	Personal Property.
Dan. Carroll, of D'n...	736, all.	6,369	10,000	1,500

And in each of the said years 1833, 1834, and 1835, with a similar assessment, in which the personal property is entered on said books as of the value of $1,000; and further, gave evidence from the said books, of another and separate assessment for the said four years under the head of "slaves and carriages," additional to the above, in the words and figures following, to wit:

			Males.	Fe.	Carriages.	Tax.
Slaves and carriages,	Carroll, Dan'l,	1832	6	4	1	19
Do	do	1833	6	4	1	19
Do	do	1834	3	1	1	16
Do	do	1835	3	1	1	16

And further, the taxes and expenses on the lots advertised for sale in December, 1835, amounted to $1,244 99; the taxes to $1,035 37; and the expenses to $209 62; that at s'd tax sale, and prior to the s'd sale of s'd lot No. 26 in question, said corporation sold 25 lots of ground belonging to s'd Carroll, commencing with lot No. 13, in square No. 231, down to lot No. 26 inclusive, in s'd

square 462; that s'd lots were sold in the order in which they stand in s'd report of sales, and brought the sums set opposite s'd respective lots; that s'd lots were set up and sold at such sale, each for the taxes due thereon, and the expenses of sale, and the collector did not proclaim that he offered one for taxes due on the whole of the lots in s'd list so assessed and advertised in the name of s'd Dan'l Carroll.

[*Note.* It is agreed that the ordinances of the corporation of Washington shall be read in evidence as if incorporated in the bill of exceptions.]

And thereupon the defendant offered and gave evidence tending to show that the whole personal property of the said Carroll, in the city of Washington, was of an inferior value to that estimated by the plaintiff's witnesses as aforesaid, and did not exceed the value of $3,212, including slaves and carriages; and that, exclusive of slaves and carriages, which were the subject of specific taxation, his whole personal property was not of greater value than $1,000, for which sum he was assessed as aforesaid in the year 1834. And further, that after their said purchase of said lot in 1835, the said Bank of Washington paid the taxes thereon from the year 1834 to the year , when they sold the said lot to Ellwood; that said Ellwood, in 1842 or 1843, improved the same by erecting thereon two dwelling-houses, which now rent for $32 per month. And afterwards, in the year , sold the said premises to the defendants, and that said Ellwood and said defendants respectively have paid the taxes since the said sale by said Bank of Washington.

Pl'ff's first Instruction and Exception.

And thereupon the pl'ff prayed the court to instruct the jury as follows:

If the jury shall find from the evidence that the collector of taxes, at the sale for taxes on the 19th Dec'r, 1835, did not select some one or more lots standing assessed in the name of the party, and proclaim and announce at the sale that the same were offered for sale for their own taxes, and also all other taxes due on the lots standing assessed in the name of said party, then the s'd sale for taxes by him made of said lot No. 26, in square No. 462, without such previous declaration and announcement, was null and void.

Which instruction the court refused to give; whereupon the pl'ff excepts, and prays the court to sign and seal this his bill of exceptions, which is done this 16th day of April, 1857.

JAS. DUNLOP, [SEAL.]
JAS. S. MORSELL, [SEAL.]
WM. M. MERRICK. [SEAL.]

Plaintiff's second Instruction and Exception.

CARROLL'S HEIRS
vs.
WHITE AND OTHERS.

And he prayed this further instruction:

The court instruct the jury, that the notice of the tax sale of lot No. 26, in square No. 426, relied on by the defendant, must be shown to have been inserted in some newspaper published in the city of Washington, once in each week for at least twelve succession weeks; and that if they find from the evidence that the first advertisement of said sale was published in the National Intell'r on Saturday, the 26th September, 1835, and then continued on Friday, the 2d, 9th, 16th, 23d, and 30th October; and then on Friday, the 6th, and Friday, the 13th November, and again on Saturday, the 21st and 28th Nov'r, and on Saturday, the 5th, 12th, and 19th December, 1835; that the said lot was sold on the s'd 19th Dec'r, but that the s'd advertisement was not published between Friday, the 13th, and Saturday, the 21st of November, 1835, then the said advertisement was not published once in each week for at least twelve successive weeks, and the s'd sale is void, and passed no title to the purchaser through whom the defend't claims, and is no bar to the plaintiff's right to recover in this action.

Which instruction the court refused to give; whereupon, the pl'ff excepts, and prays the court to sign and seal this his bill of exceptions, which is done this 16th April, 1857.

JAS. DUNLOP, [SEAL.]
W. M. MERRICK. [SEAL.]
[SEAL.]

Plaintiffs' third Instruction, and Defendants' first Exception.

CARROLL'S HEIRS
vs.
WHITE AND OTHERS.

And thereupon the pl'ffs further prayed the court to instruct the jury as follows:

If the jury find from the evidence that in the years 1832, 1833, 1834, and 1835, the lot No. 26, in square No. 462, in controversy in this cause, was unimproved; that the late Dan'l Carroll of Duddington was then, and had been for many years before the owner of said lot, and that in said years, and before the publication of the said advertisement of sale for the taxes due thereon, and on certain other property in said advertisement mentioned and offered for sale as the property of the said Carroll, the said Dan'l Carroll resided within the limits of the corporation of Washington, on square No. 736, and during the said years, and at the time of said

sale, then and there owned, had, and held in his possession within the said limits, personal property of value sufficient to pay the taxes due from him on the said lot No. 26, and on all the other property in the said advertisement mentioned, and offered for sale as his property, with the expenses of such sale, and also the expenses of the sale of such personal property, and other incidental charges, and that such personal property could, by reasonable diligence on the part of the collector, have been seized and subjected to distress and sale for said taxes and expenses, then it was the duty of the corporation through their collector to resort first to said personal property, to enforce the payment of such taxes; and if the said corporation failed to do so, then the said sale of the said lot No. 26, for said tax and expenses, was illegal and void, and passed no title in the same to the purchaser thereof at such sale, nor to the defendants as his assignee, and is no bar to the plaintiff's right to recover in this action. To which instruction the defendants objected, but the court gave the same to the jury, and to the giving thereof the defendants except and pray the court to sign and seal this their first bill of exceptions, which is accordingly done this 20th day of April, 1857.

JAS. S. MORSELL, [SEAL.]
WM. M. MERRICK. [SEAL.]

Defendant's second Bill of Exceptions.

CARROLL'S HEIRS
vs.
WHITE AND OTHERS.

On the further trial of this cause, and after the evidence contained in the aforegoing statements, the defendant, to maintain the issue on his part joined, offered evidence tending to show that certain lots, squares and parcels of ground which were owned by and assessed to the said Daniel Carroll had been sold by the corporation of Washington for taxes in previous years, to wit, in the years 1826 to 1834, which sales were made at times respectively when the said Daniel Carroll had personal property within said corporation sufficient to pay all the taxes assessed to and due by the said Carroll at the said times respectively, and that at the time of the sale of the property described in the nar the taxes upon the property so as aforesaid sold at the said previous sales, and which were lawfully chargeable to the said Daniel Carroll, largely exceeded the value of all his personal property aforesaid.

To which evidence, and every part thereof, the plaintiff objects, and the court sustains the said objection and refuses to allow the same, or any part thereof, to be given to the jury; whereupon the defendants except and pray the court to sign and seal this their

bill of exceptions, which is accordingly done this 10th day of April, 1857.

JAS. DUNLOP, [SEAL.]
JAS. S. MORSELL, [SEAL.]
WM. M. MERRICK. [SEAL.]

Defendants' third Bill of Exceptions.

CARROLL'S HEIRS
vs.
WHITE and OTHERS.

And on the further trial of this issue, the defendants, to maintain the same, on their part offered evidence to prove that the said Daniel Carroll in the year eighteen hundred and twenty-nine, being indebted to the Bank of Washington in very large sums of money, to secure the same executed two certain deeds of conveyance, I, [copied in pages 99 and 110,] whereby he conveyed the greater part of his real estate in said city, but which conveyance did not cover the lot in this suit; and also that in the year 1828, the said bank recovered judgments in the circuit court of said district for the amount of $, which said judgments were unsatisfied in whole or in part, and which said deeds of trust were, as to all the property not sold under the deed, in full operation and virtue at the time of the said tax sale; that in the year 1826 the Bank of the Metropolis recovered judgment against said Carroll for $, and in the month of April of that year, levied their execution therefor on the personal estate of said Carroll, but by private arrangement with him permitted the same to remain in his possession; and in the month of October, 1836, the said Bank of Washington levied their execution upon the personal estate of said Carroll; that some time in the spring or summer of the year 1835, a certain person who had purchased a portion of said Carroll's property, at tax sale made by said city in 1833, called upon him and urged him to pay the taxes and redeem the same, and Carroll declined, saying it would be useless and idle for him to pay the said taxes and redeem the said property, inasmuch as the Bank of Washington would take the whole of it, and he would only be throwing away money for their benefit; and afterwards, in the year 1836, the collector of the city called upon him for his taxes, and threatened to sell his personal property to pay the taxes due on his real property, and he said it would be harsh and severe, and he hoped he would not do so; that the Bank of Washington had a lien on all his property, and they ought to pay the taxes, for their own benefit, and he hoped the corporation would not, in his old age, take from him his personalty for the benefit of that bank; all which evidence was offered to be given to raise the presumption that Carroll had consented to the sale of said real estate rather than have

his personal estate sold by said Adams in the year 1835, and they gave evidence to show that said George Adams, the said tax collector, has been long dead, and said Carroll always resided, to his death, in the said city of Washington, in 1849; and the plaintiffs object, and the court refused to permit the said evidence so as aforesaid offered, or any part thereof, to be given, to which refusal by the court the defendants by their counsel except, and pray the court to sign and seal this their bill of exceptions, which is done accordingly this 16th day of April, 1857.

JAS. DUNLOP, [SEAL.]
JAS. S. MORSELL, [SEAL.]
WM. M. MERRICK. [SEAL.]

Defendants' fourth Bill of Exceptions.

CARROLL'S HEIRS
vs.
WHITE and OTHERS.

And on the further trial of this cause, and after the evidence given (or refused by the court) set out in the foregoing bills of exceptions made part hereof, the defendants, in order further to show the amount of taxes due by said Carroll to the said corporation in the year 1835, offered evidence to show that said Carroll, in addition to all other taxes due by him, also owed to the said corporation the sum of $394 23 for taxes admitted to have been duly and lawfully assessed and imposed by said corporation on certain specific lots belonging to said Carroll in said city, for paving and curb taxes, which offered evidence is objected to by the plaintiffs; the court refuses to permit the same to be given, and the defendants, by their counsel, except thereto, and pray the court to sign and seal this their bill of exceptions, which is done this 10th day of April, 1857.

JAS. DUNLOP, [SEAL.]
JAS. S. MORSELL, [SEAL.]
WM. M. MERRICK. [SEAL.]

Defendants' fifth Bill of Exceptions.

CARROLL'S HEIRS
vs.
WHITE and OTHERS.

And thereupon the defendants prayed the court to add to the instruction so given as follows, to wit:

But it is competent for the jury to presume, upon the whole evidence aforesaid, that the said Carroll did give to the said collector consent in writing to resort to the said real estate rather than to the personal property aforesaid; and such consent, if so found, would dispense the collector from the duty of resorting to the said personal property.

Which the court refused, and to this refusal the defend'ts except, and pray the court to sign this their bill of exceptions, which is accordingly done this 20th day of April, 1857.

JAS. S. MORSELL,
WM. M. MERRICK.

Defendants' sixth Bill of Exceptions.

CARROLL'S HEIRS
vs.
WHITE and OTHERS.

And thereupon the defendants further prayed the court to add to the instruction so as aforesaid given at the plaintiff's prayer, as follows:

But it is competent for the jury, upon the whole evidence aforesaid, to infer as matter of fact, if the said evidence shall in fact so satisfy them, that the said Carroll did give to the said collector consent in writing to resort to the said real estate, rather than to the personal property aforesaid, and such consent, if so found, would dispense the collector from the duty of resorting to the said personal property.

Which the court refused, and to this refusal the defendants except, and pray the *the* court to sign and seal this their bill of exceptions, which is accordingly done this 20th day of April, 1857.

JAS. S. MORSELL,
WM. M. MERRICK.

A.

Original Allotment between the City Commissioners and Daniel Carroll, of Duddington.

At the request of the commissioners appointed under the act of Congress for establishing the temporary and permanent seat of the government of the United States, the following square, in the city of Washington, was recorded the 13th day of April, 1797.

Square No. 462, *City of Washington.*

Bounded on the north by B street south 479 feet; the east by 6th street west 150 feet 7 inches; the west by 7th street west 320 feet 2 inches; the southeast by Maryland avenue 508 feet 1 inch, as per return dated 14th Dec'r, 1793.

JAS. R. DERMOTT.

Nov. 1, 1796.

The commissioners and Daniel Carroll of Duddington, original proprietor of this square, numbered 462, in the city of Washington, have agreed on the division in manner following, to wit: Lots Nos. 4, 5, and 6 are to remain to the said Daniel Carroll, and lots Nos. 1, 2, and 3 are subject to be sold agreeable to the deeds of trust concerning lands in said city.

Witness our hands this 5th day of November, 1796.

GUST'S SCOTT,
WM. THORNTON,
ALEX. WHITE,
Commissioners.

DAN'L CARROLL of Duddington.

Witness: JNO. NICHOLSON,
THOS. MUNROE.

SURVEYOR'S OFFICE,
Washington, Oct. 31, 1856.

I certify that the above is a correct copy of the plat and of the original division of square 462, according to the records in this office, between the commissioners and Dan. Carroll of Duddington, original proprietor, by which division lots Nos. 4, 5, and 6 remained to said Dan. Carroll, and lots Nos. 1, 2, and 3 were subject to be sold agreeably to the deeds of trust concerning lands in the city of Washington.

R. FINLEY HUNT,
Surv'r of Wash'n City.

B.

Deed from the Commissioners to D. Carroll of lots 1, 2, 3, *sq.* 462.

Commissioners to Daniel Carroll of Dud'n:

At the request of Daniel Carroll of Duddington, the following deed was recorded this 29th day of April, 1801.

This indenture, made the sixteenth day of April, in the year one thousand eight hundred and one, between William Thornton, Alexander White, and Tristram Dalton, commissioners appointed in virtue of the act of Congress entitled "An act for establishing the temporary and permanent seat of the Government of the United States," William Thornton and Alexander White, being sur-

viving trustees of the lots in the city of Washington, of the one part, and Daniel Carroll of Duddington, of the other part: Whereas Robert Morris and James Greenleaf, on the twenty-fourth day of December, in the year one thousand seven hundred and ninety-three, purchased of the commissioners, appointed as aforesaid, six thousand lots in the said city, averaging and accounting five thousand two hundred and sixty-five square feet to a lot, at the price of eighty dollars per lot, to be selected and paid for in the manner expressed in a contract between the parties, bearing date the day and year last aforesaid: And whereas the said James Greenleaf afterwards transferred all his interest in the said six thousand lots, excepting such as in the said deed is excepted, to the said Robert Morris and a certain John Nicholson, who, pursuant to the contract aforesaid, selected, amongst others, lots numbered one, two, and three, in square numbered four hundred and sixty-two; lots numbered eight, nine, ten, and eleven, in square numbered four hundred and ninety-two; lot numbered six, in square five hundred and seventy-seven, and lots four, ten, and eleven, and twelve, in square six hundred and thirty-five, which do not appear to be among the lots excepted as aforesaid, and the purchase-money for the said six thousand lots not having been paid according to the terms and conditions in the contract aforesaid specified, the said commissioners by virtue of the powers in them vested, and by virtue of and agreeably to an act of the State of Maryland, in such case made and provided, did advertise for sale at public vendue at the little hotel, in the said city of Washington, on the nineteenth day of March, in the year one thousand seven hundred and ninety-nine, sundry lots which had been selected as aforesaid, and among them the lots numbered as aforesaid, which being agreeably to the advertisement aforesaid offered for sale, Daniel Carroll of Duddington, being the highest bidder, therefore became the purchaser thereof at the said auction for the sum of two thousand nine hundred and thirty-two dollars, which sum, with interest thereon, being fully paid and satisfied to the commissioners by the said Daniel Carroll of Duddington: Now, this indenture witnesseth, that the said William Thornton, Alexander White, and Tristram Dalton, commissioners and trustees as aforesaid, in consideration of the premises, and for and in consideration of the aforesaid sum of two thousand nine hundred and thirty-two dollars, with legal interest thereon, to them in hand paid before the ensealing and delivery of these presents, the receipt whereof they do hereby acknowledge, have granted, bargained, sold, aliened, released, enfeoffed, and confirmed, and by these presents do grant, bargain, sell, alien, release, enfeoff, and confirm unto the aforesaid Daniel Carroll of Duddington, his heirs and assigns forever, all the aforesaid lots numbered one, two, and three, in square numbered four hundred and sixty-two; lots eight, nine, ten, and eleven, in square

four hundred and ninety-two; lot numbered six, in square five hundred and seventy-seven; and lots four, ten, and eleven, and twelve, in square six hundred and thirty-five, in the city of Washington aforesaid, with all and singular their rights, privileges, advantages, improvements and appurtenances, and all the right, title, claim and interest of the United States, and of them, the said William Thornton, Alexander White and Tristram Dalton, as commissioners and trustees aforesaid, of, in, and to the same lots and premises; to have and to hold the same lots and premises, with their appurtenances aforesaid, unto him, the said Daniel Carroll of Duddington, his heirs and assigns forever, to his and their proper use and behoof forever.

In witness whereof, the said William Thornton, Alexander White, and Tristram Dalton, commissioners and trustees aforesaid, have hereunto set their hands and affixed their seals the day and year first above written.

WILLIAM THORNTON, [SEAL.]
ALEX'R WHITE, [SEAL.]
TRISTRAM DALTON. [SEAL.]

Signed, sealed, and delivered in the presence of—
BENJAMIN MORE,
THOMAS CORCORAN.

Received of Daniel Carroll of Duddington, twenty-nine hundred and thirty-two dollars, with legal interest thereon, being the consideration money within mentioned.

Witness our hands this sixteenth day of April, 1801.

WILLIAM THORNTON,
ALEX'R WHITE,
TRISTRAM DALTON.

Test: BENJAMIN MORE,
THOS. CORCORAN.

DISTRICT OF COLUMBIA,
County of Washington, sct.

Be it remembered, that on the sixteenth day of April, in the year one thousand eight hundred and one, before us, the subscribers, two of the justices of the peace for the county aforesaid, personally appeared William Thornton, Alexander White, and Tristram Dalton, within named, and acknowledged the within instrument of writing to be their act and deed, and the lots and premises therein mentioned to be granted to be the right and estate of the within named Daniel Carroll of Duddington, his heirs and assigns forever, according to the tenor and purport of the said instrument, and the act of assembly in such case made and provided.

Acknowledged before—

BENJAMIN MORE,
THOS. CORCORAN.

C.

At the request of Dan'l Carroll of Duddington, the following plan of square 462, as a subdivision, was recorded the 14th June, 1828:

I hereby certify, that I have subdivided square No. 462, in the city of Washington, (of which I am the proprietor,) into lots, No. 1 to 39, both inclusive, with the alleys marked A, B, C and D, and I hereby declare the said alleys to be reserved for the common use of the proprietors of the lots above described forever.

(Signed) D. CARROLL of Duddington. [L. S.]

Witness: F. C. DEKRAFT.

I hereby certify, that I have examined the annexed plan of subdivision of square No. 462, and find the dimensions to be correct, and agree with the original plan of said square 462, as recorded in my office.

Given under my hand and the seal of office, June 14th, 1828.

F. C. DEKRAFT, [L. S.]

Surveyor of the City of Washington, for U. States.

[*For plan see original, page* 56.]

SURVEYOR'S OFFICE, *Wash'n*, 31 *Oct.*, 1856.

I certify, that the above is a correct plat of the subdivision of square No. 462, made by Dan'l Carroll of Dudd'n, and recorded June 14th, 1828, in liber No. K, p. 162, according to the records of this office.

R. FINLEY HUNT,
Surv'r of Wash'n City.

D.

The Will of Daniel Carroll of Duddington.

In the name of God, amen. Be it known and remembered, that I, Daniel Carroll of Duddington, of the county of Washington, and District of Columbia, of sound and disposing mind and discriminating judgment, considering the uncertainty of life and the certainty of death, do hereby make, constitute and ordain this my last will and testament.

In the first place, I give my soul to Almighty God, and recommend it to his merciful Providence, and my body to be decently interred according to the rites of the holy Catholic Church. And secondly, I give and bequeath all and singular the property of which I may die possessed, personal, real, mixed, or of what nature soever, within the District of Columbia, or any part of the United States; as also, all property held in trust under my act and deed, for the purpose of paying my debts, and which may not have been disposed of for that purpose, or which having been disposed of

illegally or improperly, may revert to my estate; as also, all interest in such deeds of trust as may have been given by me, and not fully and finally executed by the trustees or the survivor of them, as well as all balances or parts of property remaining unsold at the time of my death; and also, all property and interest which may hereafter accrue or be recovered to my estate from the government of the United States, from bodies corporate or politic, from individuals or any other source; all of which property, interest and estate, I repeat, that I do by this my last will and testament give and bequeath, in six equal portions, to wit: one portion to each of my dearly beloved daughters, Maria Fitzhugh, Ann C. Carroll, Sarah Nicholson, Jane Carroll and Rebecca Carroll, and one portion to the children of my late daughter, Elizabeth M. Brent, deceased, which portion shall be divided in equal portions between the said children, Catherine Brent and Henry May Brent, to be held in trust for them, and for their use and benefit, severally, until they respectively become of legal age, by my daughter or daughters, whom I shall appoint to administer upon my estate. Provided, and I do hereby declare and make known as my will and determination, that the house in which I now reside, called "Duddington Mansion," together with all other buildings, and the entire piece of ground or square, including the spring, known on the plat of the city of Washington as square number seven hundred and thirty-six, and now enclosed within a brick wall, shall remain undivided in the possession of my unmarried daughters, and shall so continue while two of them remain unmarried, unless, by the consent or concurrence of all of them, it may be divided into lots, or otherwise equitably divided among my devisees in the proportions before stated. My intention is, that the six portions given to my five daughters and two grandchildren above mentioned and named, shall comprehend all such property, estate and effects, of what nature, kind or species, soever, and wheresoever situate, and all such rights, claims and demands, whatsoever, whether pecuniary, or appertaining to any property or rights of property soever, as I now possess, or am in any manner entitled to at law or equity, and all such as I shall or may possess, or be in any manner entitled to, at law or equity, at the time of my death; and that my five said daughters and two grandchildren, respectively, shall take and hold their respective shares and portions aforesaid, as of their absolute and indefeasible right and estate in fee simple.

And I do hereby make, constitute, and appoint, my beloved daughters Maria Fitzhugh and Ann C. Carroll, jointly, or the survivor of them, in case of the death of either, to administer upon this my last will and testament, and the entire of my worldly estate, as hereinbefore or otherwise existing or to exist, requesting all courts, judges, tribunals and authorities, whomsoever, and

whatsoever, to recognise, ratify, and confirm the same, and every part and portion thereof.

In witness whereof, I have hereunto subscribed my name and affixed my seal, at Duddington Mansion, in the city of Washington, this twenty-ninth day of December, in the year of our Lord one thousand eight hundred and forty-eight.

DAN'L CARROLL of Dud'n. [SEAL.]

Acknowledged and published by the above named testator, Daniel Carroll of Duddington, as his last will and testament, in presence of us, the subscribers, who hereunto subscribe our names as attesting witnesses, in presence of each other, *and in presence of each other*, and in presence of the testator, and at his request, this twenty-ninth day of December, in the year of our Lord one thousand eight hundred and forty-eight.

J. VAN HORSIGH,
Y. P. PAGE,
W. HICKEY.

DISTRICT OF COLUMBIA,
Washington County, to wit.

ORPHANS' COURT, *May 19th*, 1849.

This day appear Joseph Van Horsigh, Yelverton P. Page, and William Hickey, the three subscribing witnesses to the aforegoing last will and testament of Daniel Carroll of Dud'n, late of Washington county aforesaid, deceased, and severally made oath on the Holy Evangels of Almighty God, that they did see the testator therein named sign and seal this will; that he published, pronounced, and declared the same to be his last will and testament; that at the time of so doing he was, to the best of their apprehension, of sound and disposing mind, memory, and understanding, and that they respectively subscribed their names as witnesses to this will, in the presence and at the request of the testator, and in the presence of each other.

Test: ED. N. ROACH, *Reg. Wills.*

DISTRICT OF COLUMBIA,
Washington County, to wit.

I certify that the aforegoing is a true copy from the original filed and recorded in the office of the register of wills, for Washington county aforesaid.

Witness my hand and seal of office this 25th day of October, in the year 1851.

ED. N. ROACH, *Reg. Wills.*

E.

Corporation Assessment for 1834 *of Property in the name of Dan'l Carroll of Duddington.*

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	331	11	216			
		13	224			
		14	136			
		15	120			
		16	118			
		17	144			
		25	433			
	263	4	241			
		of 9	104			
		10	263			
		of 12	105			
		13	205			
		14	241			
	264	21	219			
		22	204			5,278
	409	½ 2	328			
		3	387			
		4	387			
		5	655			
	462	(s) 1	171			
		2	88			
		3	95			
		4	101			
		5	107			
		6	114			
		7	120			
		8	126			
		9	133			
		10	144			
		11	150			
		12	157			
		13	161			
		14	115			
		15	115			
		16	126			
		17	138			
		18	508	150		
		26	138	200		
		27	134			
		28	124			
		29	125			
		30	120			
		31	116			
		32	112			
		33	107			
		34	103			
		35	99			
		36	94			
		37	90			
		38	85			
		39	132			
	S. of 463	of 2	846			
	492	1	462			

5-2/6

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	492	2	352			
		7	811			
		8	360			
		10	396			
		11	515			
		12	868	1,200		
		13	260			
		14	260			
	493	3	244			
		4	244			
		12	246			
		13	223			
		14	300			
		1	406	100		
		"		150		
		3	358			
		11	441			
		12	399			
		13	358			
		14	636			
	534	1	50			
		2	59			
		3	87			
		4	170			
		5	168			
		22	112			
		23	113			
		24	59			
		26	37			
		28	45			
		29	69			
Square 536, lot 29 36	535	4	122			
30 33		8	165			
31 23	577	1	150			
33 24	575	(s) 3	376	500		
36 24		of 2	888			
		11	199			
	576	1	300			
		5	276			
		8	441	300		
		9	743			
	580	9	60			
		10	72			
		13	98			
	582	49, 50	2,506			25,103
	633	1	334	200		
		8	183			
		9	180			
		13	323			
	634	18	227			
	635	7	269			
		8	123			
		13	186			
		14	144			
		15	132			
		16	232			
		17	144			

E.

Corporation Assessment for 1834 *of Property in the name of Dan'l Carroll of Duddington.*

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	331	11	216			
		13	224			
		14	136			
		15	120			
		16	118			
		17	144			
		25	433			
	263	4	241			
		of 9	104			
		10	263			
		of 12	105			
		13	205			
		14	241			
	264	21	219			
		22	204			5,278
	409	½ 2	328			
		3	387			
		4	387			
		5	655			
	462	(s) 1	171			
		2	88			
		3	95			
		4	101			
		5	107			
		6	114			
		7	120			
		8	126			
		9	133			
		10	144			
		11	150			
		12	157			
		13	161			
		14	115			
		15	115			
		16	126			
		17	138			
		18	508	150		
		26	138	200		
		27	134			
		28	124			
		29	125			
		30	120			
		31	116			
		32	112			
		33	107			
		34	103			
		35	99			
		36	94			
		37	90			
		38	85			
		39	132			
	S. of 463	of 2	846			
	492	1	462			

5-2/6

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	492	2	352			
		7	811			
		8	360			
		10	396			
		11	515			
		12	868	1,200		
		13	260			
		14	260			
	493	3	244			
		4	244			
		12	246			
		13	223			
		14	300			
		1	406	100		
		"		150		
		3	358			
		11	441			
		12	399			
		13	358			
		14	636			
	534	1	50			
		2	59			
		3	87			
		4	170			
		5	168			
		22	112			
		23	113			
		24	59			
		26	37			
		28	45			
		29	69			
Square 536, lot 29 36	535	4	122			
30 33		8	165			
31 23	577	1	150			
33 24	575	(s) 3	376	500		
36 24		of 2	888			
		11	199			
	576	1	300			
		5	276			
		8	441	300		
		9	743			
	580	9	60			
		10	72			
		13	98			
	582	49, 50	2,506			25,103
	633	1	334	200		
		8	183			
		9	180			
		13	323			
	634	18	227			
	635	7	269			
		8	123			
		13	186			
		14	144			
		15	132			
		16	232			
		17	144			

40.
51.

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	635	18	190			
		20	163			
		21	164			
	636	3	79			
		4	91			
		5	77			
		6	104			
		10	81			
		11	74			
		16	99			
		17	107			
		18	115			
	637	5	195			
		6	112			
		11	83			
		12	89			
	638	4	161			
		5	181			
		6	168			
		7	269			
	639	2	188			
		3	108			
	679	1	33			
	680	1	37			
		2	26			
		3	28			
		4	17			
		10	16			
	681	3	28			
		4	18			
		5	15			
		6	20			
		12	28			
		13	18			
		14	47			
		15	25			
	682	2	39			
		3	27			
		4	24			
	683	3	28			
		4	25			
		5	25			
		6	28			
		7	21			
		8	16			
		10	30			
		11	26			
	684	3	49			
		4	23			
		7	22			
		8	17			
		9	18			
	685	1	316			
		3	207			
		4	227			
		8	92			
		9	86			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	685	10	100			
		13	77			
		16	239			
		17	222			
	686	3	300	2,500		
		4				
		5	1,049			
		of 7	440			
		9	203			
		of 10	136			
		12	171			
		13	200			
		15	279			
		of 17	148			
	687	1	390			
		2	544			
		5	624			
		7	621			
		8	557			
		13	195			
		14	217			
		15	222			
		16	248			
		17	213	1,300		
		18	213			
		19	248			
		20	222			
		21	217			
		22	156			
		24	185			
	689	3	99			
		4	84			
		5	92			
		6	115			
		9	91			
		10	83			
		15	354			
		18	418			
	690	1	108			
		of 8	119			
		" 9	13			
	691	" 1	140			
		2	107			
		7	129			
		8	89			
		9	83			
	692	1	40			
		2	60			
		7	385			
		8	51			
		13	55			
		14	49			
	693	3	81			
		5	75			
		7	55			
		8	107			
		11	54			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	693	12	44			
		15	67			
		16	67			
		of 18	42			
		19	104			
		25	57			
	694	5	55			
		6	62			
		10	56			
		11	51			
	712	1	52			
	714	all	48			
	716	do.	145			
	718	do.	241			
	719	1	22			
		2	21			
		3	27			
		8	22			
		9	41			
		10	27			
		15	22			
		16	15			
	720	1	22			
		2	16			
		3	33			
		4	33			
		10	26			
		11	31			
		12	46			
		13	33			
		20	19			
		21	19			
		22	18			
	721	5	24			
		6	24			
		7	16			
		8	19			
		9	16			
		10	18			
		16	24			
		17	24			
		18	16			
		19	22			
		20	16			
	722	1	39			
	723	5	18			
		6	18			
		7	25			
		8	19			
		9	54			
		10	21			
	724	4	96			
		5	96			
		8	77			
		9	58			
		10	43			
		13	62			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	724	14	46			
		18	96			
		19	84			
		22	77			
		23	58			
		24	43			
		27	62			
		of 28	10			
	725	8	279			
		9	177			
		20	130			
		21	113			
		25	59			
		26	43			
		30	64			
		31	128			
	726	part	13,08			
	728	1	164			
		½ 3	146			
		of 7	216	300		
		11	328	400		
		12	342			
		13	328			
		20	245			
		21	207			
		25	146			
		29	165			
		30	123			
	729	of 2	81			
		5	184			
		of 6	70			
		10	195			
		11	164			
		12	342	1,600		
		13	513	1,800		
		14	688	3,600 1,400		
		of 18	406	150		
		" 23	178			
		24	368			
		25	293			
		30	82			
	732	2	114			
		3	131			
		4	131			
		5	132			
		13	81			
		14	98			
		15	98			
		17	171			
		18	197			
		19	197			
		32	197			
		33	197			
		34	171			
		38	198			
		39	197			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	732	40	197			
		41	170			
		42	122			
		43	147			
		44	147			
	733	7	95			
		8	110			
		9	110			
		10	69			
		11	67			
		12	81			
		13	89			
		14	89			
		15	81			
		16	67			
		17	69			
		18	110			
		19	110			
		20	110			
		21	95			
	734	6	135			
		9	64			
	735	all	1,354			
	748	11	25			
		12	36			
	751	3	21			
		4	20			
		5	18			
		6	18			
		7	20			
		8	21			
	752	2	19			
		10	19			
		11	25			
		12	21			
		13	24			
		14	21			
	753	1	10			
		2	12			
		3	13			
		10	13			
		17	12			
		18	10			
		19	12			
		20	20			
		21	17			
		22	17			
		23	20			
		24	12			
	755	3	52			
		4	84			
		5	64			
		6	40			
	756	3	77			
		4	100			
		5	85			
		6	78			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	756	7	116			
		8	119			
	757	1	207			
		8	161			
		9	200			
		10	91			
	758	4	124			
		6	81			
		10	122			
		11	134			
	759	1	123			
		of 3	72			
		4	148			
		9	111			
		10	123			
		11	107			
		12	156			
		13	156			
		14	107			
		15	123			
		16	74			
		17	99			
		18	74			
	761	9	75			
		10	82			
		11	114			
		13	149			
	762	6	186			
		8	215			
		10	383			
		11	224			
	763	5	60			
	778	1	10			
		2	12			
		24	12			
780 below	783	all	443			
	786	4	121			
		5	106			
		6	80			
		7	81			
		8	81			
		10	65			
		11	91			
	788	6	52			
		9	63			
	780	4	11			
		5	10			
		6	10			
		7	10			
	790	5	165			
	791	4	165			
	792	3	124			
		6	175			
		7	164			
	844	9	78			57,069
		10	95			
		11	95			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	583	4	48			
		5	35			
		6	32			
		7	38			
		8	42			
		10	38			
		12	35			
		13	48	400		
	586	all	443			
	590	all	164			
	N. of 642	all	57			
	E. of 643	1	105			
	647	all	154			
	N. of 650	1	9			
	650	5	19			
		6	19			
		9	17			
		10	19			
		11	17			
		14	17			
		16	11			
		18	10			
		22	17			
		23	19			
	651	part	890			
	667	5	49			
	E. of 667	3	35			
	696	3	46			
		4	46			
		5	37			
		6	34			
		7	40			
		8	43			
		9	40			
		10	34			
		12	46	100		
		13	46			
		14	37			
		½ 16	20			
		18	40			
	697	all	354			
	N. of 697	all	313			
	699	all	509			
	700	1	18			
		3	24			
		½ 5	12			
		6	22			
		7	18			
		8	19			
		9	38			
		10	38			
		11	34			
		12	34			
		13	38			
		14	38			
		15	38			
		16	19			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	700	17	18			
		18	22			
		19	24			
		20	24			
		21	24			
		22	22			
		23	18			
		24	19			
		25	38			
		26	38			
		27	38			
		28	34			
		29	34			
		30	38			
		31	38			
		32	19			
	701	5	48			
		6	44			
		8	19			
		9	38			
		10	38			
		11	34			
		12	34			
		13	38			
		14	38			
		15	38			
		16	19			
		17	18			
		18	22			
		19	24			
		20	24			
		21	24			
		22	22			
		23	18			
		24	19			
		25	38			
		26	38			
		27	38			
		28	34			
		29	38			
		30	38			
		31	38			
	708	2	66			
		of 3	36			
	E. of 708	7	53			
		8	20			
		9	21			
		10	20			
		11	20			
	S. of 708	1	50			
	736	all	4,246	6,000	1,000	
	737	all	1,918			
	739	1	49			
		2	37			
		3	44			
		4	55			
		5	64			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	739	10	83			
		11	98			
		12	118			
	743	4	200			
		5	200			
		6	200			
		7	100			
		11	200			
		12	235			
		13	319			
		14	200			
		20	239			
		23	100			
		24	100			
		17	50			
	765	all	927			
	795	1	50			
		2	50			
		3	50			
		17	33			
		18	36			
		19	58			
		20	41			
		21	41			
		22	41			
		23	41			
		24	41			
	798	3	114			
		4	114			
		5	112			
		6	98			
		7	116			
		8	126			
		9	116			
		10	98			
		11	112			
		12	114			
		13	114			
		14	112			
		15	98			
		16	116			
		17	126			
	801	1	101			
		2	101			
		3	129			
		8	149			
		9	288			
		10	288			
		11	216			
		15	216			
		16	112			
		17	101			
		18	79			
		19	86			
		20	86			
		21	86			
		22	79			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	801	23	67			
		24	74			
		25	144			
		26	144			
		27	127			
		28	127			
		29	144			
		30	144			
		31	144			
		32	72			
	802	(s) 3	61			28,818
	826	5	131			
		6	51			
		7	51			
		9	51			
		10	51			
		11	51			
		12	51			
		13	46			
		14	37			
		15	44			
	853	all	316			
	913	1	18			
		2	22			
		3	24			
		19	26			
		20	26			
		21	26			
		22	22			
	944	all	280			
	945	2	88			
		3	33			
		4	38			
		5	69			
	954	1	66			
		2	78			
		3	85			
		4	72			
	955	1	23			
		2	23			
		3	23			
		4	23			
		5	23			
	978	3	42			
		4	39			
		5	33			
		6	36			
		7	50			
		8	45			
		9	45			
		10	36			
	990	1	8			
		2	9			
		3	10			
	S. of 990	2	21			
		4	22			
	991	1	10			

Corporation Assessment—Continued.

Owner's name and residence.	No. of square.	No. of lot.	Value of lot.	Value of improvements.	Personal property.	Total amount.
Carroll, Daniel, of Duddington.	991	2	11			
		10	11			
		11	19			
		12	13			
		13	17			
		14	14			
	992	1	19			
		2	23			
		12	20			
		13	23			
		14	19			
		15	23			
		16	27			
		17	27			
		18	23			
	994	3	90			
		4	80			
		5	87			
		6	192			
	1,018	6	21			
		7	9			
		8	8			
		11	10			
		19	18			3,190

F.

Extract from the general Advertisement of Corporation tax sale, containing list of Dan'l Carroll's property.

Collector's sale of city lots for taxes.

COLLECTOR'S OFFICE OF THE 5TH AND 6TH WARDS,
Washington, September 24th, 1835.

On Saturday, the 19th day of December, 1835, I shall proceed to sell at public sale, at the City Hall, in the city of Washington, the following described property, or such part thereof, not less than half a lot, except where less than a half a lot has been assessed, then such part as will be necessary, to satisfy the corporation of the city of Washington for the taxes due thereon up to the year 1834, inclusive, together with all costs and charges, unless the said taxes are previously paid to the subscriber, with such expenses and fees as may have accrued thereon at the time of payment.

To whom assessed.	Sq's.	Lots.	Years for which taxes are due. 1830.	1831.	1832.	1833.	1834.	Total taxes for said periods on each lot, and total amount due.
Carroll, Dan'l, of Dud'n.....	231	13	.....	.....	2 52	2 52	2 52	7 56
		14	.....	.....	1 49	1 49	1 49	4 47
		15	.....	.....	1 32	1 32	1 32	3 96
		16	.....	.....	1 30	1 30	1 30	3 90
		17	.....	.....	1 58	1 58	1 58	4 74
	263	10	.....	.....	2 88	2 88	2 89	8 65
	264	21	and imp's	.....	2 41	2 41	27 71	36 87
Pump tax.....	.....	21	.....	.....	.....	4 34	.....	
	409	East half 2	.....	.....	3 61	3 61	3 61	10 83
		3	.....	.....	4 26	4 26	4 26	12 78
		4	.....	.....	4 26	4 26	4 26	12 78
		5	.....	.....	7 20	7 20	7 20	21 60
	462	Subdiv. 1	.....	.....	1 88	1 88	1 88	5 64
		2	.....	.....	97	97	97	2 91
		3	.....	.....	1 05	1 05	1 05	3 15
		4	.....	.....	1 11	1 11	1 11	3 33
		5	.....	.....	1 18	1 18	1 18	3 54
		6	.....	.....	1 25	1 25	1 25	3 75
		7	.....	.....	1 32	1 32	1 32	3 96
		8	.....	.....	1 38	1 38	1 38	4 14
		9	.....	.....	1 46	1 46	1 46	4 38
		10	.....	.....	1 58	1 58	1 58	4 74

To whom assessed.	Sq's.	Lots.	Years for which taxes are due.					Total taxes for said periods on each lot, and total amount due.
			1830.	1831.	1832.	1833.	1834.	
Carroll, Dan'l, of Dud.....	462	Subdiv. 11	.....	.....	1 65	1 65	1 65	4 95
		12	.....	.....	1 73	1 73	1 73	5 19
		13	.....	.....	1 77	1 77	1 77	5 31
		14	.....	.....	1 26	1 26	1 26	3 78
		26	.....	.....	1 52	1 52	1 52	4 56
		27	.....	.....	1 47	1 47	1 47	4 41
		28	.....	.....	1 42	1 42	1 42	4 26
		29	.....	.....	1 38	1 38	1 38	4 14
		30	.....	.....	1 32	1 32	1 32	3 96
		31	.....	.....	1 28	1 28	1 28	3 84
		32	.....	.....	1 23	1 23	1 23	3 69
		33	.....	.....	1 17	1 17	1 17	3 51
		34	.....	.....	1 13	1 13	1 13	3 39
		35	.....	.....	1 09	1 09	1 09	3 27
		36	.....	.....	1 03	1 03	1 03	3 09
		37	.....	.....	99	99	99	2 97
		38	.....	.....	94	94	94	2 82
		39	.....	.....	1 45	1 45	1 45	4 35
	492	1	.....	.....	5 08	5 08	5 08	15 24
		2	.....	.....	3 87	3 87	3 87	11 61
		10	.....	.....	4 35	4 35	4 35	13 05
		11	.....	.....	5 66	5 66	5 66	16 98

493	14				2 86	2 86	2 86	8 58
	13				2 45	2 45	2 45	7 35
	14				3 30	3 30	3 30	9 90
494	14				7 00	7 00	7 00	21 00
534	22				1 23	1 23	1 23	3 69
	23				1 24	1 24	1 24	3 72
577	1				1 65	1 65	1 65	4 95
579	4				4 95	4 95	3 72	13 62
575	3	(S.) East ½	And imp's		3 30	3 30	9 63	16 23
	2				8 30	8 30	9 77	26 37
580	13				1 43	1 43	1 08	3 94
634	18				5 00	5 00	2 50	12 50
637	5				3 22	3 22	2 14	8 58
	6				1 85	1 85	1 23	4 93
638	6				2 35	2 35	1 95	6 65
683	5				27	27	27	81
685	10				1 65	1 65	1 10	4 40
	13				1 21	1 21	85	3 27
686	12				1 88	1 88	1 88	5 64
	13				4 40	4 40	2 20	11 00
	15				6 15	6 15	3 07	9 37
687	5				8 92	8 92	6 86	24 70
691	2				1 18	1 18	1 18	3 54
	7				1 41	1 41	1 42	4 24
	8				97	97	98	2 92
692	1				88	88	44	2 20
	2				1 32	1 32	66	3 30
	13				61	61	60	1 82

To whom assessed.	Sq's.	Lots.	Years for which taxes are due.					Total taxes for said periods on each lot, and total amount due.
			1830.	1831.	1832.	1833.	1834.	
Carroll, Dan'l, of Dud.....	.....	14	.....	.....	54	54	54	1 62
	693	8	.....	.....	2 36	2 36	1 18	5 90
		15	.....	.....	1 48	1 48	74	3 70
	714	All.....	.....	.....	47	47	53	1 47
	728	W. ½ 3	.....	.....	1 87	1 87	1 60	5 34
	729	E. p't. 6	65	87	1 27	1 27	92	5 53
For 1829 65 cts., fronting 18 feet	729	12	And imp's	.....	37 51	37 51	21 36	96 38
5 inches on south A street, and		30	.....	.....	1 81	1 81	90	4 52
running back the whole depth	732	2	.....	.....	1 25	1 25	1 25	3 75
of the lot.		3	.....	.....	1 44	1 44	1 44	4 32
		14	.....	.....	1 08	1 08	1 08	3 24
		15	.....	.....	1 08	1 08	1 08	3 24
		17	.....	.....	3 77	3 77	1 88	9 42
		44	.....	.....	2 16	2 16	1 62	5 94
	733	7	.....	.....	1 05	1 05	1 05	3 15
		8	.....	.....	1 20	1 20	1 21	3 61
		9	.....	.....	1 20	1 20	1 21	3 61
		10	.....	.....	76	76	76	2 28
		11	.....	.....	74	74	74	2 22
		12	.....	.....	89	89	89	2 67
		13	.....	.....	98	98	98	2 94
		14	.....	.....	98	98	98	2 94

		15	.....	.....	1	55	1	55	. 89	3	99
		16	.....	.....		74		74	74	2	22
		17	.....	.....		76		76	76	2	28
		18	.....	.....	1	20	1	20	1 20	3	60
		19	.....	.....	1	20	1	20	1 21	3	61
		20	.....	.....	1	20	1	20	1 21	3	61
		21	.....	.....	1	05	1	05	1 05	3	15
734		6	.....	.....	2	86	2	86	1 48	7	20
		9	.....	.....	1	41	1	41	70	3	52
735	All.		.....	.....	17	94	17	94	14 89	50	77
757		1	.....	.....	6	38	6	38	2 28	15	04
		8	.....	.....	1	77	1	77	1 77	5	31
		9	.....	.....	2	20	2	20	2 20	6	60
		10	.....	.....	2	10	2	10	2 10	6	30
761		9	.....	.....	2	08	2	08	82	4	98
		10	.....	.....	2	70	2	70	90	6	30
		11	.....	.....	1	89	1	89	1 25	5	03
786		4	.....	.....	2	00	2	00	1 33	5	33
786		10	.....	.....	1	19	1	19	71	3	09
792		3	.....	.....	2	04	2	04	1 36	5	44
		7	.....	.....	1	80	1	80	1 80	5	40
844		9	.....	.....	1	29	1	29	86	3	44
		10	.....	.....	1	45	1	45	1 04	3	94
		11	.....	.....	1	45	1	45	1 04	3	94
583		12	.....	.....		78		78	38	1	94
		13	.....	.....	1	07	1	07	4 93	7	17
586	All.		.....	.....	19	56	19	56	4 87	43	99
708		2	.....	.....		96		96	73	2	65

To whom assessed.	Sq's.	Lots.	Years for which taxes are due.					Total taxes for said periods on each lot, and total amount due.
			1830.	1831.	1832.	1833.	1834.	
Carroll, Dan'l, of Dud.....	737	All.....	.....	.....	21 10	21 10	21 10	63 30
	795	2	.....	.....	1 65	1 65	55	3 85
		3	.....	.....	1 65	1 65	55	3 85
		17	.....	.....	1 10	1 10	36	2 56
		20	.....	.....	1 19	1 19	45	2 83
		21	.....	.....	1 36	1 36	45	3 17
		22	.....	.....	1 36	1 36	45	3 17
	793	4	.....	.....	1 67	1 67	1 25	4 59
		5	.....	.....	1 64	1 64	1 23	4 51
		6	.....	.....	1 44	1 44	1 08	3 96
		7	.....	.....	1 70	1 70	1 28	4 68
		10	.....	.....	1 44	1 44	1 08	3 96
		11	.....	.....	1 64	1 64	1 23	4 51
		12	.....	.....	1 67	1 67	1 25	4 59
	801	16	.....	.....	2 06	2 06	1 23	5 35
	990	1	.....	.....	17	17	9	43
	•	2	.....	.....	21	21	10	52
		3	.....	.....	23	23	11	57
South	990	2	.....	.....	46	46	23	1 15
	S. 990	4	.....	.....	48	48	24	1 20
	991	1	.....	.....	21	21	11	53
		2	.....	.....	25	25	12	62

		10	.....	.....	25	25	12	62
		11	.....	.....	43	43	21	1 07
		12	.....	.....	30	30	14	74
		13	.....	.....	37	37	19	93
		14	.....	.....	31	31	15	77
	1,018	6	.....	.....	46	46	23	1 15
		7	.....	.....	20	20	10	50
		8	.....	.....	18	18	10	46
		11	.....	.....	23	23	11	57
		12	.....	.....	39	39	20	93
								$1,035 37

Sale to commence at 10 o'clock in the morning. Terms cash.

GEO. ADAMS,
Collector 5th and 6th wards.

Thompson et al. vs. Richard Roe, Ex dem. Carroll et al. 45

		10	.....	.....	25	25	12	62
		11	.....	.....	43	43	21	1 07
		12	.....	.....	30	30	14	74
		13	.....	.....	37	37	19	93
		14	.....	.....	31	31	15	77
	1,018	6	.....	.....	46	46	23	1 15
		7	.....	.....	20	20	10	50
		8	.....	.....	18	18	10	46
		11	.....	.....	23	23	11	57
		12	.....	.....	39	39	20	93
								$1,035 37

Sale to commence at 10 o'clock in the morning. Terms cash.

GEO. ADAMS,
Collector 5th and 6th wards.

Thompson et al. vs. Richard Roe, Ex dem. Carroll et al. 45

		10	.....	.....	25	25	12	62
		11	.....	.....	43	43	21	1 07
		12	.....	.....	30	30	14	74
		13	.....	.....	37	37	19	93
		14	.....	.....	31	31	15	77
	1,018	6	.....	.....	46	46	23	1 15
		7	.....	.....	20	20	10	50
		8	.....	.....	18	18	10	46
		11	.....	.....	23	23	11	57
		12	.....	.....	39	39	20	93
								$1,035 37

Sale to commence at 10 o'clock in the morning. Terms cash.

GEO. ADAMS,
Collector 5th and 6th wards.

Thompson et al. vs. Richard Roe, Ex dem. Carroll et al. 45

H.

Deed dated 12*th Jan'ry*, 1841; *recorded* 1*st July*, 1841, *Liber W. B. No.* 89, *fol.* 23, *&c.*

Corporation of Washington to The President & Directors of the Bank of Washington:

This indenture, made this 12th day of Jan'y, in the year of our Lord one thousand eight hundred and forty-one, between the Mayor, Board of Aldermen, and Board of Common Council, of the city of Washington, of the first part, and The President and Directors of the Bank of Washington, of the same place, of the second part: Whereas the said corporation, by virtue of the powers in them vested by their charter, have, from time to time, laid and imposed certain annual taxes on all the real and personal assessable property within the said city, agreeable to the several assessments thereof, and have by sundry acts, providing for the collection of such taxes, enacted, "That whenever two or more years' taxes on real property, whether improved or unimproved, in the city of Washington, shall remain due and unpaid, or whenever any special tax on any real property shall remain unpaid, for two or more years after the same shall have become due, it shall be the duty of the collector in whose hands such taxes may be placed for collection, to sell such real property, or so much thereof not less than a lot,(when the property on which the tax has accrued is not less than that quantity,) as may be necessary to pay any such taxes, with all legal costs and charges thereon, at public sale, to satisfy the said corporation therefor;" subject, however, to the terms, conditions, provisoes, and restrictions, as are in the said acts mentioned, first giving such notice of the time and place for the sale as said acts require: And whereas lot number twenty-six (subdivision,) in square number four hundred and sixty-two, lying and being within the said city, became chargeable, as the property and in the name of Daniel Carroll of Duddington, with the following taxes, that is to say, for the years 1832, 1833 and 1834, the sum of four dollars and fifty-six cents: And whereas, the property before described having become liable to be sold under the act in part above quoted, George Adams, the collector in whose hands the said taxes were placed for collection, failing to collect them in any other way, after having previously given public notice for the sale, by advertisement thereof twelve successive weeks next before the day of sale, in the National Intelligencer, a newspaper printed in the city of Washington, therein describing as above the said property, to whom assessed at the time of such advertisement, the said amount of taxes due, and the years for which the same were due, did offer for sale, at public auction, on the nineteenth day of December, A. D. 1835, all of said lot (subdivision) to pay the taxes aforesaid, and the expenses attending the sale, when the said parties

of the second part being the highest bidder, became the purchaser thereof for the sum of six dollars and fifteen cents, and then paid to the said collector the taxes aforesaid, and the expenses attending said sale, amounting to six dollars and fifteen cents; and more than two years having elapsed since the day of said sale, and the said property not having been redeemed as by law provided, the said thereof of the second part have become entitled to a conveyance thereof:

Now, therefore, this indenture witnesseth, that the said Mayor, Board of Aldermen, and Board of Common Council, parties of the first part, in consideration of the premises, and of the sum of one dollar, current money, to them in hand paid by the said parties of the second part, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said parties of the second part, their successors forever, all the said hereinbefore described lot, number twenty-six, (subdivision,) in square number four hundred and sixty-two, with the appurtenances; to have and to hold the said premises, with the appurtenances, unto the said parties of the second part, their successors forever, to their use.

In testimony whereof the mayor of the said city hath hereunto set his hand, and caused the seal of the said corporation to be affixed, on the day and year first above written.

[SEAL.]

W. W. SEATON, *Mayor.*

Attest:

C. H. WILTBERGER, *Reg'r.*

DISTRICT OF COLUMBIA,
Washington County, sct.

Be it remembered, that on this 12th day of Jan'y, in the year of our Lord one thousand eight hundred and forty-one, before the subscribers, two justices of the peace in and for the county of Washington, personally appears William W. Seaton, esq., mayor of the city of Washington, and acknowledges the foregoing indenture or instrument of writing to be the act and deed of the Mayor, Board of Aldermen and Board of Common Council of the city of Washington, delivered for the use and purposes therein expressed.

C. H. W. WHARTON, *J. P.*
C. H. WILTBERGER, *J. P.*

True copy.

Test: JNO. A. SMITH, *Cl'k.*

I.

Two Deeds of Conveyance from Dan'l Carroll to the Bank of Washington.

First Deed.

Deed of trust recorded 9th December, 1829.

Daniel Carroll, of Dud'n, to Moses Tabbs, Roger C. Weightman and Richard Wallach:

This indenture, made this second day of November, in the year eighteen hundred and twenty-nine, between Daniel Carroll of Dudington, of the city of Washington, in the District of Columbia, of the one part, and Moses Tabbs, Roger C. Weightman and Richard Wallach, of the same city, of the otner part: Whereas the said Daniel Carroll, in and by an indenture of mortgage, made on or about the twenty-second day of October, in the year eighteen hundred and twenty-one, between him, the said Daniel Carroll, of the first part, and the president and directors of the Bank of Washington, of said city and district, of the second part, [recorded in liber W. B., No. 2, one of the land records for Washington county, in the said district] for the purpose of securing the payment of certain debts therein mentioned, conveyed to the said president and directors the following lots, squares, pieces or parcels of land, situate, lying, and being in the said city of Washington, and designated and laid down on the ground plan of the said city as lots numbered four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), and thirteen (13), in square numbered five hundred and eighty-nine (589); lots numbered four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11), in square numbered seven hundred and eighty-six (786); lots numbered three (3), four (4), six (6) and seven (7), in square numbered seven hundred and ninety-two (792); lots numbered nine (9), ten (10), and eleven (11), in square numbered eight hundred and forty-four (844); lots numbered four (4), five (5), six (6), and seven (7), in square numbered seven hundred and eighty (780); lots numbered one (1), two (2), three (3), and eighteen (18), in square numbered seven hundred and seventy-nine (779); lots numbered one (1), two (2), and twenty-four (24), in square seven hundred and seventy-eight (778); lots numbered three (3), four (4), five (5), six (6), seven (7), and eight (8), in square numbered seven hundred and fifty-six (756); lots numbered three (3), four (4), five (5), and six (6), in square numbered seven hundred and fifty-five (755); lots number four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), and twelve (12), in square seven hundred and fifty-four (754); lots *lots* number one (1), two (2), three (3), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twen-

ty-two (22), twenty-three (23), and twenty-four (24), in square number seven hundred and fifty-three (753); lots one (1), two (2), ten (10), eleven (11), twelve (12), thirteen (13), and fourteen (14), in square number seven hundred and fifty-two (752); lots number three (3), four (4), five (5), six (6), seven (7), and eight (8), in square seven hundred and fifty-one (751); lots number eleven (11), and twelve (12), in square seven hundred and forty-eight (748); lots number five (5), six (6), seven (7), eight (8), nine (9), and ten (10), in square number seven hundred and twenty-three (723); lots number five (5), six (6), seven (7), eight (8), nine (9), ten (10), sixteen (16), seventeen (17), eighteen (18), nineteen (19), and twenty (20), in square number seven hundred and twent-one (721); lots number one (1), two (2), three (3), eight (8), nine (9), ten (10), fifteen (15), and sixteen (16), in square number seven hundred and nineteen (719); lots one (1), two (2), three (3), four (4), ten (10), eleven (11), twelve (12), thirteen, (13), twenty (20), twenty-one (21), and twenty-two (22), in square number seven hundred and twenty (720); lot number one (1), in square number seven hundred and twelve (712); lots number two (2), three (3), and four (4), in square number six hundred and eighty-two (682); lots numbered three (3), four (4), five (5), six (6), twelve (12)), thirteen (13), fourteen (14), and fifteen (15), in square number six hundred and eighty-one (681); lots number (1), two (2), and three (3), in square number five hundred and seventy-eight (578); lots number one (1), two (2), and three (3), four (4), and seven (7), in square number five hundred and thirty-six (536); lots number one (1), two (2), three (3), four (4), fourteen (14), fifteen (15), sixteen (16), seventeen (17), and eighteen (18), in square number five hundred and thirty-five(535); lots number one (1), two (2), three (3), four (4), five (5), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), and thirty-four (34), in square number five hundred and thirty-four (534); lots number (1), two (2), three (3), eleven (11), twelve (12), thirteen (13), fourteen (14), and fifteen (15), in square four hundred and ninety-four (494); lots number one (1), two (2), three (3), four (4), eleven (11), twelve (12), thirteen (13), fourteen (14), and fifteen (15), in square number four hundred and ninety-three (493); the whole of square number seven hundred (700); lots number one (1), two (2), three (3), four (4) and eight (8), in square number eight hundred and one (801); lots two (2), four (4), five (5), thirteen (13), fourteen, (15) and sixteen (16), in square number seven hundred and thirty-two (732); lots number one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), and thirteen (13), in square six hundred and eighty-seven (687); and lots number three (3), four (4), five (5), and six (6), in square number nine hundred and ninety-four (994)—

Together with all and singular the buildings and improvements thereunto belonging, or in anywise appertaining; and all the estate, right, title, and interest, of him, the said Daniel Carroll of Dudington, in and to the foregoing described premises, either in law or equity: And whereas there remains due to the said president and directors, on account of the debts by the said indenture secured or intended so to be, the sum of forty-two thousand and ninety dollars, with interest thereon from the eleventh day of December, in the year eighteen hundred and twenty-seven, besides costs of suits: And whereas the said Daniel Carroll being desired to pay the said debts, and for that purpose to facilitate the sales of the said property, has agreed to execute these presents:

Now this indenture witnesseth, that the said Daniel Carroll of Dudington, in consideration of the premises, and of the sum of five dollars, to him in hand paid by the said Moses Tabbs, Roger C. Weightman and Richard Wallach, at or before the sealing and delivery hereof, the receipt of which is hereby acknowledged, has given, granted, bargained and sold, aliened, enfeoffed, assigned, transferred and conveyed, and by these presents does give, grant, bargain and sell, alien, enfeoff, assign, and transfer and convey, unto the said Moses Tabbs, Roger C. Weightman and Richard Wallach, and the survivor of them, his heirs and assigns forever, all and singular the hereinbefore described lots, squares pieces, or parcels of land, with the buildings, improvements, rights, privileges, hereditaments, and appurtenances, thereto belonging, or in any way appertaining, and all the estate, right, title, equity of redemption, interest, property, claim or demand, of him, the said Daniel Carroll of Dudington, of, in, to or out of the same; to have and to hold the said lots, squares, pieces or parcels of land, and every of them, and premises, with the appurtenances, unto the said Moses Tabbs, Roger C. Weightman and Richard Wallach, and the survivor of them, his heirs and assigns forever, upon the trusts, nevertheless, and to and for the uses, interests and purposes following, that is to say, in trust that the said Moses Tabbs, Roger C. Weightman and Richard Wallach, or the survivor of them, or his heirs, do and shall sell and dispose of the said lots, squares, pieces, or parcels of land, or any or either of them, or any part thereof, and premises, with the appurtenances, at public or private sale, for cash or on credit, and do and shall apply and dispose of all money arising by such sale or sales, in manner and for the purposes following, that is to say, in the first place (after deducting all charges and expenses of advertisements, and other expenses of sale, and retaining a commission of five per centum on the amount of such sale or *thus* for their trouble, which they are hereby authorized to deduct, pay and retain,) apply the money arising by the said sale or sales to the payment of the said sum of

forty-two thousand and ninety dollars, with the interest thereon, from the said eleventh day of December, in the year eighteen hundred and twenty-seven, and said costs of suit; and in the second place apply the residue of the said money, if any, to the payment according to the priority of any other judgments rendered in the circuit court of the District of Columbia, for the county of Washington, against the said Daniel Carroll of Dudington, at the suit of the said president and directors, or any note or notes drawn by the said Daniel Carroll of Dudington, or *or* drawn by William Thomas Carroll, and endorsed by the said Daniel Carroll of Dudington: · Provided always, and it is hereby declared and agreed, that the said Moses Tabbs, Roger C. Weightman and Richard Wallach, shall not, nor shall either of them, or the heirs, executors or administrators of either of them, be accountable for any money to be received by virtue of, or under the trusts hereby in them reposed, any otherwise *then* each person for such sum and sums of money as he shall actually receive, and that neither of them shall be accountable or answerable for the acts, receipts, neglects or defaults, of the other of them, but each for his own acts only. And the said Daniel Carroll of Dudington, for himself and his heirs, does hereby authorize and fully empower the said Moses Tabbs, Roger C. Weightman and Richard Wallach, or the survivor of them, or his heirs, to sell and dispose of the said lots, squares, pieces or parcels of land, and every of them and premises, with the appurtenances as aforesaid, and convey the same in fee simple to the purchaser or purchasers thereof, under these presents. And the said Daniel Carroll of Dudington, for himself and his heirs, hereby covenants to and with the said Moses Tabbs, Roger C. Weightman and Richard Wallach, and the survivor of them, his heirs and assigns, that he the said Daniel Carroll of Dudington, and his heirs, shall and will, at any and at all times hereafter, make and execute to the said Moses Tabbs, Roger C. Weightman and Richard Wallach, and the survivor of them, his heirs or assigns, any and every other act or deed for the property, hereinbefore mentioned, that may be deemed legally or equitably necessary for the more fully and securely vesting and confirming a title in fee simple to the same to the purchaser or purchasers thereof under these presents, or for carrying into complete effect the objects of this trust.

In witness whereof, the said Daniel Carroll of Dudington has hereto set his hand and seal the day and year first hereinbefore written.

DAN'L CARROLL of Dud'n. [SEAL.]

Signed, sealed and delivered in presence of—
WM EMACK.
JAMES YOUNG.

DISTRICT OF COLLUMBIA,
Washington County, sct.

Be it remembered, that on this fourth day of December, in the year eighteen hundred and twenty-nine, before the subscribers, two justices of the peace in and for said county, personally appeared the said Daniel Carroll of Dudington, and his wife, Ann R. Carroll, and acknowledged the foregoing deed or instrument of writing to be their act and deed. And the said Ann R. Carroll being by us privately examined, separate and apart from and out of the hearing of her said *said* husband, did declare that she made her said acknowledgment willingly and freely and without being induced thereto by fear or threats of or ill usage by her husband, or fear of his displeasure.

WM EMACK,
JAMES YOUNG.

True copy.

Test: W. BRENT, *Clk.*

Second Deed.

Deed of trust recorded 9th December, 1829.

Daniel Carroll of Dud'n to Moses Tabbs, Roger C. Weightman, Richard Wallach:

This indenture, made this fourth day of December, in the year eighteen hundred and twenty-nine, between Daniel Carroll of Dudington, of the city of Washington, in the District of Columbia, of the one part, and Moses Tabbs, Roger C. Weightman and Richard Wallach, of the said city, of the other part: Whereas the said Daniel Carroll of Dudington, by an indenture made on or about the fourteenth day of March, in the year eighteen hundred and twenty three, between him, the said Daniel Carroll of Dudington, of the one part, and Richard Smith, of the said city, of the other part, (recorded in liber W. B. No. 5, one of the land records for Washington county, in the said District,) for the purpose of securing the payment of a certain debt therein mentioned to Clement Smith, conveyed to the said Richard Smith, his heirs and assigns, upon the trusts therein mentioned, all those pieces or parcels of ground in the said city distinguished as lots numbered twelve(12,) thirteen(13,) and fourteen(14,) in square number seven hundred and twenty-nine (729,) with the buildings, improvements and appurtenances: and whereas judgment has been rendered against the said Daniel Carroll of Dudington, in the circuit court of the District of Columbia, for the county of Washington, for the said debt, as well as for divers other debts, and the said Daniel Carroll of Dudington is desirous of making provision for the payment of the said judgments in manner hereinafter mentioned:

Now, this indenture witnesseth, that the said Daniel Carroll of Dudington, in consideration of the premises and of the sum of five dollars to him in hand paid by the said Moses Tabbs, Roger C. Weightman and Richard Wallach, at or before the sealing and delivery hereof, the receipt of which is hereby acknowledged, has given, granted, bargained and sold, aliened, enfeoffed, assigned, transferred and conveyed, and by these presents does give, grant, bargain and sell, alien, enfeoff, assign, transfer, and convey unto the said Moses Tabbs, Roger C. Weightman and Richard Wallach, and the survivor of them, his heirs and assigns forever, all those squares, lots, pieces or parcels of ground in the said city of Washington, known and distinguished on the plan of said city as [lots eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-three, and twenty-five, in square two hundred and thirty-one;] [lots four, five, six, seven, and eight, in square two hundred and sixty-three;] and lots ten, eleven, twelve, thirteen, fourteen, and fifteen, in said square two hundred and sixty-three;] lots one, two, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, in square two hundred and sixty-four;] lots one, two, seven, eight, nine, ten, eleven, twelve, thirteen, and fourteen, in square four hundred and ninety-two; [lots one, four, and five, in square five hundred and seventy-seven,] [lots one and four, in square five hundred and seventy-nine,] [lots six, seven, and eleven, in square five hundred and seventy-five;] lots one and three, five, eight, nine, and ten, in square five hundred and seventy-six,] [lots seven, eight, nine, ten, eleven, twelve, and thirteen, in square five hundred and eighty,] square five hundred and eighty-two; lots one, two, seven, eight, nine, ten, and thirteen, in square six hundred and thirty-three; lots four and eighteen, in square six hundred and thirty-four; [lots seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty, and twenty-one, in square six hundred and thirty-five;] lots three, four, five, six, ten, eleven, sixteen, seventeen, and eighteen, in square six hundred and thirty-six; lots four, five, six, ten, eleven, twelve, and thirteen, in square six hundred and thirty-seven; lots four, five, six, and seven, in square six hundred and twenty-eight; lots two and three, in square six hundred and thirty-nine; lot one, in square six hundred and seventy-nine; lots one, two, three, four, and ten, in square six hundred and eighty; [lot three, in square six hundred and eighty-one,] square six hundred and eighty-three; [lots three, four, seven, eight, and nine, in square six hundred and eighty-four;] lots three, four, seven, eight, nine, ten, thirteen, sixteen, and seventeen, in square six hundred and eighty-five; lots three, four, five, nine, twelve, thirteen, fifteen, in square six hundred and eighty-six; lots fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, in square six hundred and

eighty-seven; lots three, four, five, six, nine, ten, twelve, fifteen, sixteen, and eighteen, in square six hundred and eighty-nine; lots one, eight, and nine, in square six hundred and ninety; lots two, seven, eight, nine, and ten, in square six hundred and ninety-one; lots one, two, *two*, seven, eight, thirteen, and fourteen, in square six hundred and ninety-two; lots three, five, seven, eight, eleven, twelve, thirteen, fifteen, sixteen, nineteen, twenty-two, twenty-five, twenty-eight, and twenty-nine, in square six hundred and ninety-three; lots five, six, seven, ten, and eleven, in square six hundred and ninety-four, square seven hundred and fourteen, square seven hundred and sixteen, square seven hundred and eighteen; lot one, in square seven hundred and twenty-two; lots four, five, eight, nine, ten, thirteen, fourteen, eighteen, nineteen, twenty-two, twenty-three, twenty-four, twenty-seven, in square seven hundred and twenty-four; lots eight, nine, twenty, twenty-one, twenty-five, twenty-six, thirty, and thirty-one, in square seven hundred and twenty-five; lots five, ten, eleven, twenty-four, twenty-five, and thirty, in square seven hundred and twenty-nine; lots seventeen, eighteen, nineteen, thirty-two, thirty-three, thirty-four, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four, in square seven hundred and thirty-two; lots seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one, in square seven hundred and thirty-three; lots six, seven, eight, nine, ten, twelve, thirteen, and fourteen, in square seven hundred and thirty-four, square seven hundred and thirty-five, square seven hundred and fifty; lots one, eight, nine, and ten, in square seven hundred and fifty-seven; lots four, six, ten, and eleven, in square seven hundred and fifty-eight; lots one, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, in square seven hundred and fifty-nine; lots nine, ten, eleven, and thirteen, in square seven hundred and sixty-one; lots four, six, eight, ten, and eleven, in square seven hundred and sixty-two (762); lots four, five, six, seven, eight, nine, ten, and eleven, in square seven hundred sixty-three, square seven hundred and eighty-three; lots five, six, seven, eight, nine, ten, eleven, twelve, and thirteen, in square seven hundred and eighty-eight; lots three, four, and five, in square seven hundred and ninety-one; lots eleven, twelve, and thirteen, in square seven hundred and ninety-three; lots three, five, four, nine, twelve, thirteen, and fifteen, in square six hundred and eighty-six, square five hundred and ninety, square north of square six hundred and forty-two; lot one, in square east of square six hundred and forty-three, square six hundred and forty-six, square six hundred and forty-seven, square six hundred and forty-eight, square six hundred and forty-nine; lot one, in square north of square six hundred and fifty; lots five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,

seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five, in square six hundred and fifty; lot nine, in square six hundred and sixty-two; lots sixteen, seventeen, eighteen, and twenty-two, in square six hundred and fifty-five; lots two, six, seven, and eight, in square six hundred and sixty-six; lot fifteen, in square six hundred and sixty-seven; lot three, in square east of square six hundred and sixty-seven, square northwest of square six hundred and ninety-five; lots two, three, four, five, six, seven, eight, nine, ten, eleven, thirteen, fourteen, fifteen, seventeen, and eighteen, in square six hundred and ninety-six, square six hundred and ninety-seven, square north of square six hundred and ninety-seven, square six hundred and ninety-nine; lots two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, in square seven hundred and one; lot two, in square seven hundred and eight; lots seven, eight, nine, ten, eleven, in square east of square seven hundred and eight; lot one, in square south of square seven hundred and eight, square seven hundred and thirty-seven; lots one, two, three, four, five, ten, eleven, and twelve, in square seven hundred and thirty-nine, square seven hundred and sixty-five; lot thirteen, in *in* square seven hundred and seventy, square seven hundred and ninety-five, square seven hundred and ninety-eight; lots nine, ten, eleven, twelve, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine thirty, thirty-one, and thirty-two, in square eight hundred and one; lots five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, in square eight hundred and twenty-six, square eight hundred and fifty-three; lots one, two, and four, in square north of square eight hundred and fifty-three; lots one, two, three, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, *twenty*, and twenty-two, in square nine hundred and twenty-three, lots eight, nine, ten, eleven, and twelve, in square nine hundred and twenty-four, square nine hundred and forty-four; lots two, three, four, and five, in square nine hundred and forty-five; lot two, in square nine hundred and forty-six; lots one, two, three, and four, in square nine hundred and fifty-four; lots one, two, three, four, and five, in square nine hundred and fifty-five; lots one and five, in square nine hundred and seventy; lot two, in square nine hundred and seventy-one; lots one, four, and five, in square nine hundred and seventy-two; lots three, four, five, six, seven, eight, nine, and ten, in square nine hundred and seventy-eight; lots one, two, three, twenty-four, twenty-five, and twenty-six, in square nine hundred and ninety; lots two and four, in square south of square nine hun-

dred and ninety; lots one, two, ten, eleven, twelve, thirteen and fourteen, in square nine hundred and ninety-one; lots one, two, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, in square nine hundred and ninety-two; lots five, six, seven, eight and eleven, in square ten hundred and eighteen; lots six and seven, in square ten hundred and nineteen; lots one, eleven, twelve, thirteen, twenty, twenty-one, twenty-five, twenty-nine, and thirty, in square seven hundred and twenty-eight; lot twenty-four, in square seven hundred and fifty-three; lots four, five, six, seven, eleven, twelve, thirteen, fourteen, twenty, twenty-three, twenty-four, and seventeen, in square seven hundred and forty-three; and the said lots twelve, thirteen and fourteen, in square seven hundred and twenty-nine, with the buildings, improvements, rights, privileges, hereditaments and appurtenances to the said squares, lots, pieces or parcels of ground, or either of them, belonging or in any way appertaining, and all the estate, right, title, equity of redemption, interest, property, claim or demand of him, the said Daniel Carroll of Dudington, at law or in equity, of, in, or to the same; to have and to hold the said squares, lots, pieces or parcels of ground, and every of them and premises, with the appurtenances, unto the said Moses Tabbs, Roger C. Weightman, and Richard Wallach, and the survivor of them, his heirs and assigns forever, upon the trusts, nevertheless, and to and for the uses, intents and purposes following; that is to say, that the said Moses Tabbs, Roger C. Weightman, and Richard Wallach, or the survivor of them, or his heirs, do and shall sell and dispose of the said squares, lots, pieces or parcels of land, or any or either of them, or any part thereof, at public or private sale, for cash or on credit, and do and shall apply and dispose of all money arising by such sale or sales, in manner and for the purposes following; that is to say, in the first place, (after deducting all charges and expenses of advertisements and other expenses of sale, and retaining a commission of three per centum on the amount of such sale or sales for their trouble, which they are hereby authorized to deduct, pay and return,) apply the money arising by the sale or sales of the said squares, lots, pieces or parcels of ground and premises, except the money arising by the sale or sales of the said lots twelve, thirteen, and fourteen, in square seven hundred and twenty-nine, to the payment according to priority of the several judgments against the said Daniel Carroll of Dudington, in the said court remaining unpaid, or which may not be fully paid, by and out of the money to be received by the said trustees, under the trustees reposed in them by an indenture dated on the day of November, in the year eighteen hundred and twenty-nine, between the said Daniel Carroll of Dudington of the one part, and them of the other part, it being the intent and meaning of these presents that such of the judgments provided for or intended to be provi-

ded for by the said last mentioned indenture as shall not be fully paid by and out of the money thereby arising, shall come in with the other judgments under this trust, and as to, for or concerning the money arising by the sale or sales of the said lots twelve, thirteen and fourteen, in square seven hundred and twenty-nine, apply the same in the first place to the payment of so much of the said judgment in favor the said Clement Smith as may not be paid by and out of the other money to be received under this trust, and in the second place to the payment of such of the said several judgments as were rendered against the said Daniel Carroll of Dudington, for his own debts, or as endorser of William Thomas Carroll, but not as endorser or security for any other person or persons, and shall not be fully paid by and out of the other moneys to be received under this trust or under the trusts of the said last mentioned indenture, ratably and proportionably according to the respective amounts thereof: Provided always, and it is hereby declared and agreed, that the said Moses Tabbs, Roger C. Weightman, and Richard Wallach shall not, nor shall either of them, or the heirs, executors, or administrators of either of them, be answerable for any money to be received by virtue of or under the trusts hereby in them reposed, any otherwise than each person for such sum and sums of money as he shall actually receive, and that neither of them shall be accountable or answerable for the acts, receipts, neglects, or defaults of the other of them, but each for his own acts only, and the said Daniel Carroll of Dudington, for himself and his heirs, hereby authorizes and fully empowers the said Moses Tabbs, Roger C. Weightman, and Richard Wallach, or the survivor of them or his heirs, to sell and dispose of the said squares, lots, pieces or parcels of ground, and every of them and premises, with the appurtenances as aforesaid, and convey the same in fee simple to the purchaser or purchasers thereof under these presents, and that the said Daniel Carroll of Dudington, for himself and his heirs, hereby covenants to and with the said Moses Tabbs, Roger C. Weightman, and Richard Wallach, and the survivor of them, his heirs and assigns, that he the said Daniel Carroll of Dudington, and his heirs, shall and will, at any and at all times hereafter, make and execute to the said Moses Tabbs, Roger C. Weightman, and Richard Wallach, and the survivor of them, his heirs or assigns, any and every other act or deed for the property hereinbefore mentioned, that may be deemed legally or equitably necessary for the more fully and securely vesting and confirming a title in fee simple to the same to the purchaser or purchasers thereof under these presents, or for carrying into complete effect the object of trust.

In witness whereof, the said Daniel Carroll of Dudington has